

REMARKS

Reconsideration of the application is requested.

Claims 7-8 and 16-19 have been rejected. Claims 1-6, 9-15, and 20-33 have been allowed. Thus, Claims 1-33 remain pending in the application.

Applicant appreciatively acknowledges the Examiner's continued allowance of claims 1-6, 9-15, and 20-33.

Claim Rejections under 35 U.S.C. § 112

In "Claim Rejections – 35 USC § 112," item 7 on page 3 of the above-identified Office Action, claims 7-8 and 16 have been rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps. Applicant respectfully disagrees.

In item 7, on page 3 of the final Office Action, the Examiner listed steps deemed "omitted": 1) loading the latest version of the runtime library at initialization of the application service provision apparatus, the latest version of the runtime library includes data associating an application with a required version of the runtime library; 2) during operation, receiving by a dispatcher a request for service for the application; and 3) in response, determining by the dispatcher whether the required version of the runtime library used by the application is known to the dispatcher.

In respect to step 1, Applicant agrees that a loading operation must be performed by some system at some time. It is not essential, however, that the application service provision apparatus perform the loading. Rather, another system connected to the application service provision apparatus could, in one embodiment, load the latest version of the runtime library into the memory of the application service provision apparatus. Also, it is not essential that such loading occurs at initialization of the application service provision apparatus. It is only essential that the loading take place prior to the inquiring recited by claim 7. Claim 8

depends from claim 7, and claim 16 recites claim 7 in apparatus form. Accordingly, step 1 is not required for any of claims 7-8 and 16.

In respect to steps 2 and 3, Applicant submits that another device working in tandem with the application service provider apparatus may perform the operations recited by steps 2 and 3. Such operations may be required to service the application, but there is no reason that these steps must be performed by the application service provider apparatus. Accordingly, Applicant respectfully posits that steps 1-3 are not omitted steps required by §112, second paragraph. Thus, Applicant requests that the Examiner renew his allowance of claims 7-8 and 16.

Claim Rejections under 35 U.S.C. § 101

In “Claim Rejections – 35 USC § 101,” items 11 and 12 on page 5 of the above-identified Office Action, claims 7-8 and 16-19 have been rejected as being directed to non-statutory subject matter. Applicant respectfully disagrees.

In item 11, the Examiner rejects claims 7-8 and 16 as being inoperative and thus lacking utility. In the above §112 remarks Applicant has demonstrated that claims 7-8 and 16 are indeed operative. Accordingly, Applicant respectfully requests that the Examiner withdraw the §101 rejection of claims 7-8 and 16 and issue a Notice of Allowance.

On page 7, second complete paragraph, the Examiner asserts that claim 17 does not have a useful, concrete, and tangible result and, thus, is unpatentable under §101. Applicant disagrees. The useful, concrete, tangible result of claim 17 is the release of an allocation of a portion of a shared resource that a resource monitor has determined should be released. The release of a resource has the useful result of requiring less memory usage. Applicant reminds the Examiner of the court’s holding in In re Alappat, 33 F.3d 1526 (Fed. Cir. 1996) that a practical application of an algorithm or calculation is patentable if it produces a useful, concrete, tangible result. Here, a practical application of an algorithm releasing an allocation of a portion of a shared resource is freeing memory space. This is a useful, concrete, tangible

result that may result in, for example, cost savings to a manufacturer determining how much memory is necessary to install on a computing device. Accordingly, Applicant submits that claim 17 is indeed patentable under §101. Claims 18 and 19 further refine the patentable subject matter of claim 17 and are thus patentable themselves for at least the reasons that claim 17 is patentable. Thus, Applicant requests that the Examiner withdraw the §101 rejection of claims 17-19 and allow the claims.

Allowable Subject Matter

The remaining claims, claims 1-6, 9-15 and 20-33, have been allowed by the Examiner in the Office Action dated May 4, 2006. Accordingly, a Notice of Allowance is respectfully requested.

Conclusion

Applicant submits that claims 1-33 are in condition for allowance, and appreciatively acknowledges the Examiner's allowance of claims 1-6, 9-15, and 20-33. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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